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By: **Delegate Hammen**

Introduced and read first time: February 2, 2004

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Private Review Agents - Uniform Treatment Plan Form - Regulations**

3 FOR the purpose of requiring the Insurance Commissioner to include, in regulations  
4 concerning a private review agent's uniform treatment plan form for utilization  
5 review of certain services, the circumstances under which a provider may  
6 voluntarily use a carrier's proprietary form; and generally relating to  
7 regulations concerning a treatment plan form for private review agent  
8 utilization review.

9 BY repealing and reenacting, with amendments,  
10 Article - Insurance  
11 Section 15-10B-03(h)  
12 Annotated Code of Maryland  
13 (2002 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Insurance**

17 15-10B-03.

18 (h) (1) The Commissioner, after consultation with payors, including the  
19 Health Insurance Association of America, the League of Life and Health Insurers of  
20 Maryland, and the Maryland Association of Health Plans, and providers of health  
21 care, including the MHA: the Association of Maryland Hospitals and Health Systems,  
22 CareFirst BlueCross BlueShield, the Medical and Chirurgical Faculty of Maryland,  
23 and licensed or certified providers of treatment for a mental illness, emotional  
24 disorder, or a drug abuse or alcohol abuse disorder, shall adopt regulations to  
25 implement the provisions of this subtitle.

26 (2) (i) Subject to the provisions of subparagraph (iii) of this paragraph,  
27 the regulations adopted by the Commissioner shall include a uniform treatment plan  
28 form for utilization review of services for the treatment of a mental illness, emotional  
29 disorder, or a substance abuse disorder.

1 (ii) The uniform treatment plan form adopted by the  
2 Commissioner:

3 1. shall adequately protect the confidentiality of the patient;  
4 and

5 2. may only request the patient's membership number, policy  
6 number, or other similar unique patient identifier and first name for patient  
7 identification.

8 (iii) The Commissioner may waive the requirements of regulations  
9 adopted under subparagraph (i) of this paragraph for the use of a uniform treatment  
10 plan form for any entity that would be using the form solely for internal purposes.

11 (IV) THE REGULATIONS ADOPTED UNDER SUBPARAGRAPH (I) OF  
12 THIS PARAGRAPH SHALL SPECIFY THE CIRCUMSTANCES UNDER WHICH A PROVIDER  
13 MAY VOLUNTARILY USE A CARRIER'S PROPRIETARY FORM.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
15 effect October 1, 2004.